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EXAMINER
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JANVIER, JEAN D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<div style="text-align: center; font-weight: bold; font-size: 1.2em;">Office Action Summary</div>	<b>Application No.</b> 10/693,472		<b>Applicant(s)</b> NOVAK-TORRE, JODY L.	
	<b>Examiner</b> Jean D Janvier		<b>Art Unit</b> 3622	
	<p style="text-align: center;"><b>– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –</b></p> <p><b>Period for Reply</b></p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul> <p><b>Status</b></p> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on ____.</p> <p>2a) <input type="checkbox"/> This action is FINAL.                      2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p> <p><b>Disposition of Claims</b></p> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are pending in the application.</p> <p>    4a) Of the above claim(s) ____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) ____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) ____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement.</p> <p><b>Application Papers</b></p> <p>9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on ____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.</p> <p style="padding-left: 40px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p> <p><b>Priority under 35 U.S.C. § 119</b></p> <p>12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>    a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:</p> <p>        1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>        2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.</p> <p>        3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p style="padding-left: 40px;">* See the attached detailed Office action for a list of the certified copies not received.</p> <p><b>Attachment(s)</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)              Paper No(s)/Mail Date ____.</p> </div> <div style="width: 45%;"> <p>4) <input type="checkbox"/> Interview Summary (PTO-413)              Paper No(s)/Mail Date ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> </div> </div>			

### **DETAILED ACTION**

#### **Specification**

The title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. A new title is required that is clearly indicative of the invention to which the claims are directed. See 37 CFR 1.72.

#### **Claim Status**

Claims 1-13 are currently pending in the Instant Application.

#### **Claim Objections**

Claims 1-13 are objected to because of the following informalities:

Throughout the claimed invention, the “business card display rack” is interpreted simply as a --display rack-- since there the phrase “business card” does not play any role or perform any function in the claim invention and thus, “business card” represents a nominal recitation and will not be given any patentable weight.

Concerning claim 4, step B, recites the limitations “displayed on said rack a plurality of hard copy promotional items”. This claim language is not typical of a system claim. Rather, it appears that steps A and B of the claim should have been combined to simply recite --a business card display rack for displaying a plurality of hard copy promotional items--.

Concerning claim 7, it appears that the claim pertains to a computer program product or a computer readable medium. Thus, the claim should be rewritten as follows-

A computer readable medium having encoded thereon computer codes which, when executed on a processor, perform the steps of:

- displaying a business card rack;
- displaying on said rack a plurality of hard copy promotional items;
- displaying said rack in visual proximity to an electronic display;
- storing advertising media on a server connected to the electronic display;
- displaying the advertising media on the electronic display.

Without these changes, the claim will not comply with the provisions of 35 USC 101.

Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemon, US Patent 4,674,041.

As per claims 1-9, Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached. Indeed, the system enables a manufacturer to control its liability for coupons and to deter fraudulent redemption. Here, the manufacturer may prescribe (limit) a particular number of coupons to be redeemed collectively, i.e. throughout all retail stores, and/or at each particular retail store. The present system also greatly reduces the possibility of fraud by enabling coupons to be encoded with store identification numbers, expiration dates, uniform product codes, and other information at the point of distribution or at a retail store or at the time of printing (printing information on a customer's printed coupon).

The present apparatus comprises, among other things, a stand-alone coupon dispensing terminal T (kiosk) is provided at each retail store or retail location. Each stand-alone terminal communicates with a host central processing unit (remote location) located remote from the stores. Coupons are displayed for customer selection at each dispensing terminal on a video menu via a cathode ray tube and touch screen combination in a fashion that enhances customer acceptance by reducing the time necessary to select and obtain coupons (retrieving and displaying coupons available to the customer upon receiving by the remote database from terminal T as entered by the customer via an input device the customer account). Each terminal may be monitored and controlled via the host computer or remote database to obtain data such as the number of coupons issued and the identification of customers using the terminal. **The**

**system enables the manufacturer to limit, using the redemption data collected from participating retailers' POSes, the number of a particular coupon issued from a particular Terminal T related to a retailer's location or throughout the entire system-**

Using the present system, the manufacturer (vendor) is able to control (adjust) or to simply terminate in real-time the display of a particular coupon at a retailer's location or throughout the entire retailers' locations upon detecting, using the collected redemption data transmitted from the retailers' to host computer H, that a threshold limit has been reached. In general, each terminal includes a self-contained high speed coupon printer, which prints the product information, date, time of day, uniform product code, expiration date, a store identification number or any other information desired for particular applications on each coupon issued (col. 1: 55 to col. 2: 24; col. 4: 35-64).

Additionally, Host computer H (remote database) monitors the operation of the individual terminals T and provides terminals T with the information necessary to dispense the coupons requested by customers. Host computer H stores the data, which constitute the array of coupons available for selection that will be displayed on each terminal T. Thus, the operator or manufacturer is able to control the display of coupons at each and every remote terminal T (kiosk display) via host computer H. Host computer H also retains other information such as the date and time of day, which are used by the terminals T to achieve the desired results of the present system. **Host computer H also is programmed to interact with terminals T to allow the operator to prescribe per store and collective limits for each coupon (or for the number of redeemed coupons), thereby controlling the manufacturers liability.** More importantly, host computer H or remote database is programmed to receive from the terminals

T coupon transaction information including the number and type of coupons dispensed, store identification numbers, and customer account numbers. Host computer H is programmed to use the information to generate the weekly reports 4 and 6 (FIG. 1) for the manufacturer and retailer, respectively (col. 4: 35-64).

Preferably, the coupon distribution system, as shown in fig. 1, is illustrated in its role in the over-all coupon reporting and redemption process. The system includes a coupon control system, which interacts with a consumer to selectively dispense coupons as requested. The system also generates reports 4 and 6 regarding coupon distribution for the manufacturers and retailers, respectively. Here, the manufacturer is able to prescribe limits for distribution of particular coupons on a collective and per store basis (fig. 1). The report 4 is provided to the manufacturer on a periodic basis, such as a weekly basis and includes coupon distribution information for each retail outlet. Report 4 may include the number of coupons dispensed, the store identification information, the dates and times of distribution, and customer identification data. This information is valuable to the manufacturer both as an aid in analyzing its marketing techniques and in detecting fraudulent coupon distribution or redemption. The report 6 provided to retailers is essentially like report 4, but includes information only as to the particular retail store(s) involved. Typically, retailers forward the report 6 to a retail chain headquarters 10 or a clearinghouse 12 to provide a collective accounting for the retail chain or region. In either event, the coupon distribution information is presented to **a redemption center 14**, which receives such information from retailers throughout the country and prepares a billing statement and report 16 for each participating manufacturer. The reports 16 and 4 are compared to detect errors or fraudulent claims. For example, if the number of coupons

presented for redemption exceeds the number of coupons dispensed as noted in report 4, then the manufacturer may refuse to make payment to the retailers for the excess. Once the system is utilized, such discrepancy will be minimized since the manufacturer will be able to pin point and investigate error sources. The manufacturer will make payment to the particular retailers, thereby concluding the periodic, quarterly, monthly or weekly transaction (col. 3: 29 to col. 4: 6).

**Additionally, the video display presented on terminal T (kiosk) is either in a free-standing advertising mode, wherein full screen advertisements (from the advertiser or product manufacturer) for particular products are sequentially displayed or, in the coupon dispensing mode wherein a page formatted, video menu of coupons is displayed for selection by the customer. Terminal T or display kiosk automatically deactivates to the free-standing (advertising) mode once the entire menu of coupons has been displayed and the appropriate time has elapsed.** Interface I also includes a "quit" switch, not associated with a particular Coupon, which permits the customer to abort the normal terminal display sequence before all the coupons have been displayed. This feature frees the terminal T quickly for use by another customer without requiring the display sequence to be completed in each customer transaction, and thereby also prevents subsequent customers from selecting coupons on the previous customer's account number when the previous customer completes his selection before the entire array of coupons is presented. **Upon activation of the quit switch, microprocessor 22 causes terminal T to return to its free-standing mode prior to the completion of the normal display cycle.** It is herein understood that the advertising message is displayed at a specific time or when a customer is not using the terminal T or kiosk to



request information or select coupons therefrom and wherein the particular advertising message is run for a given time period and the manufacturer or advertiser is charged for displaying the advertising message on the kiosk based on a prior business arrangement between the advertiser or product manufacturer and the retail store owner (scheduling the display of ads on the kiosk and billing or charging an advertiser accordingly- see col. 1: 55-60; col. 5: 8-12; col. 5: 32-44; col. 6: 62 to col. 7: 16; col. 9: 64 to col. 10: 2; col. 10: 19-24; claims 15-19).

**In summary, the terminals or coupons dispensers or kiosks or terminals T are located within different retail stores such that a product promoted in one store may be different from another promotional product displayed on the store terminal or display kiosk in another store. Further, the displayed coupons correspond to promotional products currently available or displayed on a store shelf (display rack) where the display kiosk is located (in visual proximity to the shelf or display rack) and used to distribute discount coupons and/or promotion information or advertising information related to the promotional items placed on one or more shelves (display racks) within the store.**

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemon, US Patent 4,674,041.

As per claims 10-13, Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached. Indeed, the system enables a manufacturer to control its liability for coupons and to deter fraudulent redemption. Here, the manufacturer may prescribe (limit) a particular number of coupons to be redeemed collectively, i.e. throughout all retail stores, and/or at each particular retail store. The present system also greatly reduces the possibility of fraud by enabling coupons to be encoded with store identification numbers, expiration dates, uniform product codes, and other information at the point of distribution or at a retail store or at the time of printing (printing information on a customer's printed coupon).

The present apparatus comprises, among other things, a stand-alone coupon dispensing terminal T (kiosk) is provided at each retail store or retail location. Each stand-alone terminal communicates with a host central processing unit (remote location) located remote from the stores. Coupons are displayed for customer selection at each dispensing terminal on a video menu via a cathode ray tube and touch screen combination in a fashion that enhances customer acceptance by reducing the time necessary to select and obtain coupons (retrieving and displaying coupons available to the customer upon receiving by the remote database from

terminal T as entered by the customer via an input device the customer account). Each terminal may be monitored and controlled via the host computer or remote database to obtain data such as the number of coupons issued and the identification of customers using the terminal. **The system enables the manufacturer to limit, using the redemption data collected from participating retailers' POSes, the number of a particular coupon issued from a particular Terminal T related to a retailer's location or throughout the entire system.** Using the present system, the manufacturer (vendor) is able to control (adjust) or to simply terminate in real-time the display of a particular coupon at a retailer's location or throughout the entire retailers' locations upon detecting, using the collected redemption data transmitted from the retailers' to host computer H, that a threshold limit has been reached. In general, each terminal includes a self-contained high speed coupon printer, which prints the product information, date, time of day, uniform product code, expiration date, a store identification number or any other information desired for particular applications on each coupon issued (col. 1: 55 to col. 2: 24; col. 4: 35-64).

Additionally, Host computer H (remote database) monitors the operation of the individual terminals T and provides terminals T with the information necessary to dispense the coupons requested by customers. Host computer H stores the data, which constitute the array of coupons available for selection that will be displayed on each terminal T. Thus, the operator or manufacturer is able to control the display of coupons at each and every remote terminal T (kiosk display) via host computer H. Host computer H also retains other information such as the date and time of day, which are used by the terminals T to achieve the desired results of the present system. **Host computer H also is programmed to interact with terminals T to allow**

**the operator to prescribe per store and collective limits for each coupon (or for the number of redeemed coupons), thereby controlling the manufacturers liability.** More importantly, host computer H or remote database is programmed to receive from the terminals T coupon transaction information including the number and type of coupons dispensed, store identification numbers, and customer account numbers. Host computer H is programmed to use the information to generate the weekly reports 4 and 6 (FIG. 1) for the manufacturer and retailer, respectively (col. 4: 35-64).

Preferably, the coupon distribution system, as shown in fig. 1, is illustrated in its role in the over-all coupon reporting and redemption process. The system includes a coupon control system, which interacts with a consumer to selectively dispense coupons as requested. The system also generates reports 4 and 6 regarding coupon distribution for the manufacturers and retailers, respectively. Here, the manufacturer is able to prescribe limits for distribution of particular coupons on a collective and per store basis (fig. 1). The report 4 is provided to the manufacturer on a periodic basis, such as a weekly basis and includes coupon distribution information for each retail outlet. Report 4 may include the number of coupons dispensed, the store identification information, the dates and times of distribution, and customer identification data. This information is valuable to the manufacturer both as an aid in analyzing its marketing techniques and in detecting fraudulent coupon distribution or redemption. The report 6 provided to retailers is essentially like report 4, but includes information only as to the particular retail store(s) involved. Typically, retailers forward the report 6 to a retail chain headquarters 10 or a clearinghouse 12 to provide a collective accounting for the retail chain or region. In either event, the coupon distribution information is presented to **a redemption**

**center 14**, which receives such information from retailers throughout the country and prepares a billing statement and report 16 for each participating manufacturer. The reports 16 and 4 are compared to detect errors or fraudulent claims. For example, if the number of coupons presented for redemption exceeds the number of coupons dispensed as noted in report 4, then the manufacturer may refuse to make payment to the retailers for the excess. Once the system is utilized, such discrepancy will be minimized since the manufacturer will be able to pin point and investigate error sources. The manufacturer will make payment to the particular retailers, thereby concluding the periodic, quarterly, monthly or weekly transaction (col. 3: 29 to col. 4: 6).

**Additionally, the video display presented on terminal T (kiosk) is either in a free-standing advertising mode, wherein full screen advertisements (from the advertiser or product manufacturer) for particular products are sequentially displayed or, in the coupon dispensing mode wherein a page formatted, video menu of coupons is displayed for selection by the customer. Terminal T or display kiosk automatically deactivates to the free-standing (advertising) mode once the entire menu of coupons has been displayed and the appropriate time has elapsed. Interface I also includes a "quit" switch, not associated with a particular Coupon, which permits the customer to abort the normal terminal display sequence before all the coupons have been displayed. This feature frees the terminal T quickly for use by another customer without requiring the display sequence to be completed in each customer transaction, and thereby also prevents subsequent customers from selecting coupons on the previous customer's account number when the previous customer completes his selection before the entire array of coupons is presented. Upon activation of the quit switch,**

**microprocessor 22 causes terminal T to return to its free-standing mode prior to the completion of the normal display cycle.** It is herein understood that the advertising message is displayed at a specific time or when a customer is not using the terminal T or kiosk to request information or select coupons therefrom and wherein the particular advertising message is run for a given time period and the manufacturer or advertiser is charged for displaying the advertising message on the kiosk based on a prior business arrangement between the advertiser or product manufacturer and the retail store owner (scheduling the display of ads on the kiosk and billing or charging an advertiser accordingly- see col. 1: 55-60; col. 5: 8-12; col. 5: 32-44; col. 6: 62 to col. 7: 16; col. 9: 64 to col. 10: 2; col. 10: 19-24; claims 15-19).

**In summary, the terminals or coupons dispensers or kiosks or terminals T are located within different retail stores such that a product promoted in one store may be different from another promotional product displayed on the store terminal or display kiosk in another store. Further, the displayed coupons correspond to promotional products currently available or displayed on a store shelf (display rack) where the display kiosk is located (in visual proximity to the shelf or display rack) and used to distribute discount coupons and/or promotion information or advertising information related to the promotional items placed on one or more shelves (display racks) within the store.**

As per claims 10-13, Lemon does not expressly disclose using another or a second display kiosk or electronic display in visual proximity to the displayed rack (shelf) for displaying the advertisements or coupons, in a similar manner and mounting a vertical frame

over the display kiosk substantially above the display shelf (rack).

However, it is common practice in the art to place a display kiosk or display terminal within a frame structure in an effort to protect or secure the display terminal. Further, the location of a display rack or shelf with respect to the display kiosk and the number of display kiosks or electronic displays used to display coupon information or product advertising within a retail facility vary from one store to another and become a matter of preference. It is also customary for a retail store to use two or more display kiosks or electronic displays strategically positioned through the store to display product information or advertising or to simply allow customers to request information. "Official Notice"

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above information into the system of Lemon so as to display the coupon information or product advertising on more than one display kiosks or electronic displays securely placed within a frame structure and strategically positioned, within the store, next to display racks or shelves or directly placed underneath the display racks such that promoted products displayed thereon and associated with the displayed coupons can be immediately found on the display racks or shelves and easily retrieved by a customer or user following a selection of a displayed coupon corresponding to one of the displayed promotional products before going to the checkout line or cashier, thereby providing great product visibility and convenience to the customers who, upon entering the store, are immediately exposed to the promoted products displayed on the racks located right above the display kiosks, securely

placed within a frame structure, strategically positioned next to the store main entrance so as to catch the customers' attention upon entering and leaving the store and operable to display coupon information or product advertising.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2001/0051900 A1 to Fisher et al. discloses a system that relates to an interactive advertising, which permits a vendor to be provided with feedback from interested consumers. A publicly accessible data transfer system is also disclosed which permits members of the public equipped with personal digital assistants (PDA) (45) to receive and transmit data via a transponder (9) located on outdoor advertising signs (1) or similar locations. The transponder (9) includes a cache memory (54) and is able to communicate with a server (42) to upload and download data. A system of product data dissemination and a commercial premises data transfer system are also disclosed (See abstract).

US Patent 6, 286, 029 B1 to Delph discloses an intermediate server or kiosk controller that serves as an agent between content servers and kiosk computers. A control program loaded on the intermediate server directs the intermediate server to retrieve content data from various content servers on a network. The particular content to be retrieved is specified in a run list composed of location codes. The intermediate server then automatically transmits the content to



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the kiosks in the sequential order specified by the run list. The kiosks' screen displays are consistently refreshed based on the transmitted content. In a specific embodiment, a kiosk controller is connected via the Internet to various web servers. The kiosk controller retrieves web pages from the various web servers. The kiosk controller modifies all links contained within the web pages to point to the kiosk computer. The kiosk controller then sends the modified web pages to kiosks running browser programs (See abstract).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final-703-872-9327

Before Final -703-872-9326

Non-Official gaff- 703-746-7240

Customer Service- 703-572-9325

JEAN D. JANVIER  
PRIMARY EXAMINER

*Janner Jean Paro*

JDJ

03/17/05